

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

BAZI HAMZA BANA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	NO. 3:08-0207
	)	Judge Echols/Bryant
UNITED STATES OF AMERICA,	)	
	)	
Defendant.	)	

**TO: The Honorable Robert L. Echols**

**REPORT AND RECOMMENDATION**

Defendant United States of America has filed its motion to dismiss pursuant to Federal Rule of Civil Procedure 12(h)(3)((Docket Entry No. 7), which seeks dismissal of the complaint on the ground that plaintiff's application for naturalization has now been approved and, therefore, that his claims in the complaint have been rendered moot.

Plaintiff has filed no response in opposition to this motion, and the time period for doing so has expired.

On June 30, 2008, the undersigned Magistrate Judge entered an order to show cause requiring the plaintiff to respond on or before July 18, 2008, and show cause why the defendant's motion to dismiss should not be granted. (Docket Entry No. 9). Despite this order, plaintiff has responded neither to the order nor to the motion to dismiss. Accordingly, the undersigned Magistrate Judge finds that defendant's motion to dismiss should be granted and that the complaint should be dismissed with prejudice.

### **RECOMMENDATION**

For the reasons stated above, the undersigned Magistrate Judge **RECOMMENDS** that defendant's motion to dismiss be **GRANTED**, and that the complaint be **DISMISSED** with prejudice.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has ten (10) days from service of this Report and Recommendation in which to file any written objections to this Recommendation, with the District Court. Any party opposing said objections shall have ten (10) days from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within ten (10) days of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986).

**ENTERED** this 29th day of July 2008.

s/ John S. Bryant  
JOHN S. BRYANT  
United States Magistrate Judge